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8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11

12 ROBERT ALEXANDER KASEBERG,

13 Plaintiff,

14 v.

15 CONACO, LLC; TURNER  
BROADCASTING SYSTEM; TIME  
16 WARNER, INC.; CONAN O'BRIEN;  
JEFF ROSS; MIKE SWEENEY; DOES  
17 1-50, inclusive,

18 Defendants.  
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CASE NO.: 15-CV-01637-JLS-DHB

Hon. Janis L. Sammartino

**FIRST AMENDMENT TO  
DEFENDANTS' MEMORANDUM  
OF CONTENTIONS OF FACT  
AND LAW**

TRIAL DATE: May 28, 2019  
PRETRIAL CONFERENCE  
DATE: Feb. 21, 2019  
TIME: 1:30 p.m.  
COURTROOM: 4D

Pursuant to Local Rule 16.1(f), Defendants Conaco, LLC; Turner Broadcasting System, Inc.; Warner Media, LLC, successor-in-interest to Time Warner Inc.; Conan O'Brien; Jeff Ross; and Mike Sweeney (collectively "Defendants") respectfully submit the following amendment to their Memorandum of Contentions of Fact and Law (Dkt. 179) in advance of the pretrial conference scheduled on February 21, 2019, and the jury trial scheduled to begin on May 28, 2019.

Defendants amend and correct paragraph 2 of their Memorandum as follows:

2. Defendant Conaco, LLC ("Conaco") is the television production company that produces *Conan*. Defendant Turner Broadcasting System, Inc. ("Turner") owns and operates the network TBS. Defendant Warner Media, LLC successor-in-interest to Time Warner Inc. ("Warner Media") is a parent company to Turner and, a direct wholly-owned subsidiary of AT&T, Inc., a publicly traded company.

Defendants amend and correct paragraph 125 of their Memorandum as follows:

125. Kaseberg will be unable to prove that Warner Media (successor-in-interest to Time Warner Inc.) or TBS are the cause of the alleged infringement. *See* Ninth Circuit Model Civil Jury Instructions, 17.5 (2017) (*citing Perfect 10, Inc. v. Giganews, Inc.*, 847 F.3d 657, 666 (9th Cir. 2017) ("where it is clear that infringement has occurred, courts must determine 'who is close enough to the [infringing] event to be considered the most important cause'" (citation omitted))).

GlaserWeil

1 DATED: February 1, 2019

GLASER WEIL FINK HOWARD  
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3 By: /s/ Thomas P. Burke Jr.

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